

September 17, 2020

VIA FEDEX OVERNIGHT DELIVERY
TRACKING NO. 7715 6091 0794

Nandleen LLC dba Nandleen Logistics
2475 Northwoods Parkway
Suite 200
Alpharetta, GA 30009

REQUEST FOR PRESERVATION

Dear Sir or Madam:

Please be advised our office represents Grant Hamrick for the injuries he suffered resulting from a collision which occurred on July 27, 2020 in Knoxville, Knox County, Tennessee involving a Nandleen, LLC dba Nandleen Logistics ("You" and/or "Your") truck and driver Devon Reginald. Please direct all future phone calls and correspondence to my office. This letter is to formally demand the preservation of certain evidence related to this collision. If you fail to properly secure and preserve the important pieces of evidence, it may give rise to the legal presumption that the evidence would have been harmful to your side of the case. If you fail to preserve or maintain this evidence, we will seek any and all remedies available under theory or equity. The destruction, alteration, or loss of any of the below constitutes a spoliation. We specifically request that the following evidence may be maintained and preserved and not be destroyed, modified, altered, repaired, or changed in any manner:

1. The tractor and trailer involved in this collision (please do not alter in any way).
2. Any and all accident and/or incident reports and investigations prepared by You and/or Devon Reginald as a result of the crash other than the police report.
3. The accident register maintained as required in 49 CFR 390.15(b) to include the motor vehicle collision with Grant Hamrick and all accidents three (3) years prior to July 27, 2020.
4. All ISO Certification documents.
5. All documents prepared concerning all inspections performed on the tractor and the trailer involved in this accident.
6. All leases and contracts that were in effect for the tractor and/or the trailer on the day of the accident.
7. The entire personnel file of Devon Reginald.

8. The entire qualification file of Devon Reginald maintained pursuant to 49 CFR 391.51 and preserved pursuant to 49 CFR 379 (including Appendix A, Note A).
9. The entire drug and alcohol file of Devon Reginald, including but not limited to pre-employment, post-accident, random, reasonable suspicion, and return to duty drug and alcohol testing results maintained pursuant to 49 CFR 382.401, preserved pursuant to 49 CFR 379 (including Appendix A, Note A), and released pursuant to 49 CFR 40.323.
10. The entire driver investigation history file or its equivalent for Devon Reginald maintained pursuant to 49 CFR 391.53 and preserved pursuant to 49 CFR 379 (including Appendix A, Note A).
11. Any other file kept concerning Devon Reginald.
12. Any and all payroll and benefit records for Devon Reginald for five (5) years prior to the collision to one (1) year after.
13. Any and all cancelled checks of any kind paid to Devon Reginald for twelve (12) months prior and six (6) months after the collision.
14. All logs—official and unofficial—of Devon Reginald for the six (6) months before the collision involving Grant Hamrick and for thirty (30) days after the collision maintained pursuant to 49 CFR 395.8(k) and preserved pursuant to 49 CFR 379 (including Appendix A, Note A).
15. Any and all records of health insurance claims, disability claims, sickness or doctors' excuses of Devon Reginald for the five years prior to the collision involving Grant Hamrick.
16. All records of Devon Reginald for the seven (7) days prior to the collision and for the day of the collision. Specifically, produce the supporting documents listed below which Defendant is required to maintain under 49 CFR 395.8(k) and to preserve under 49 CFR 379 (including Appendix A, Note A).
 - a. Bills of lading;
 - b. Carrier pros;
 - c. Freight bills;
 - d. Dispatch records;
 - e. Driver call-in records;
 - f. Gate record receipts;
 - g. Weight/scale receipts;
 - h. Fuel billing statements and/or summaries;
 - i. Toll receipts;
 - j. International registration plan receipts;
 - k. International fuel tax agreement receipts;
 - l. Trip permits;

- m. Lessor settlement sheets;
- n. Port of entry receipts;
- o. Cash advance receipts;
- p. Delivery receipts;
- q. Lumber receipts;
- r. Interchange and inspection records;
- s. Over/short and damage reports;
- t. Agricultural inspection reports;
- u. Commercial Vehicle Safety Alliance reports;
- v. Accident reports;
- w. Telephone billing statements;
- x. Credit card receipts;
- y. Driver fax reports;
- z. On-board computer records;
- aa. Border crossing reports;
- bb. Custom declarations;
- cc. Traffic citations;
- dd. Overweight/oversize reports and citations;
- ee. and/or other documents directly related to the motor carrier's operation which are retained by the motor carrier in connection with the operation of its transportation business.

17. Any and all cellular and telephone records and bills of Devon Reginald for the day of the motor vehicle collision with Grant Hamrick and seven (7) days prior.

18. Any and all credit card bills and receipts for Devon Reginald the month of the motor vehicle collision with Grant Hamrick.

19. Copies of any and all fuel tax reports of Devon Reginald for the year of this collision.

20. Any and all State safety audits for Devon Reginald for the year of this collision and three (3) years prior.

21. Any and all federal accident reports filed for Devon Reginald the year of this collision and for three (3) years prior.

22. Any and all DOT inspection reports filed for Devon Reginald for the year of this collision and three (3) years prior.

23. Any and all long form DOT physicals for Devon Reginald.

24. Any and all Seven Day Prior Forms or Eight Day Prior Forms for Devon Reginald for the month of this collision.

25. Any and all DOT and State inspections of the tractor involved in the crash for the year of the collision and one (1) year prior.

26. Any photographs taken of the tractor-trailer operated by Devon Reginald at the scene of the collision, or any time thereafter.
27. Any documentation evidencing the completion or non-completion of training programs and driver orientation programs by Devon Reginald for Nandleen, LLC.
28. Any and all satellite communications and e-mail for the day of the collision involving Grant Hamrick and seven (7) days prior, as well as all recorded ECM (electronic control module), EDR (event data recorder), and/or SDM (sensing & diagnostic module) chronological data with reference to all data available, including but not limited to:
 - a. trip distance;
 - b. total vehicle driving time;
 - c. load factor;
 - d. vehicle speed limit;
 - e. maximum vehicle speed recorded;
 - f. number of hard brake incidents;
 - g. current engine speed (rpm);
 - h. maximum and minimum cruise speed limits;
 - i. total vehicle driving distance;
 - j. fuel consumption (gal./hr.);
 - k. idle time;
 - l. engine governed speed;
 - m. maximum engine speed recorded;
 - n. current throttle position;
 - o. brake switch status (on/off);
 - p. odometer;
 - q. trip driving time;
 - r. overall fuel economy (MPG);
 - s. average driving speed;
 - t. # of engine overspeeds;
 - u. # of vehicle overspeeds;
 - v. current vehicle speed (MPH);
 - w. clutch switch status (on/off);
 - x. clock; and
 - y. jake brake status.
29. All policies including liability, general liability, excess umbrella, and any other insurance that will cover or arguably cover damages claimed in the collision involving Grant Hamrick.
30. A copy of documents evidencing the completion or non-completion of any safe driving programs by Devon Reginald.
31. A copy of the driver manual, company handbook, or their equivalent issued to Devon Reginald.
32. A copy of the company safety rules or its equivalent issued to Devon Reginald.

33. The Permanent Unit File or its equivalent pursuant to 49 CFR 396.3 including, but not limited to, records relating to the inspections, repairs, maintenance and costs for the tractor and/or trailer involved in the motor vehicle collision with Grant Hamrick.
34. The printout(s) from any commercial software program (e.g., JJ Keller's LogChecker) or customized program used to record and audit Devon Reginald's log book entries for the one (1) year preceding the July 27, 2020 motor vehicle collision with Grant Hamrick.
35. The cellular phone records from Devon Reginald for the day of the collision.
36. Evidence Created Subsequent to This Letter: With regard to electronic data created subsequent to the date of the delivery of this letter, relevant evidence is not to be destroyed and you are to take whatever steps are appropriate to avoid destruction of evidence.
37. Data and devices – all data and the actual devices from electronic logs devices, GPS units, messaging systems (e.g., Qualcomm, Omnitracs, etc.), truck ECMS.

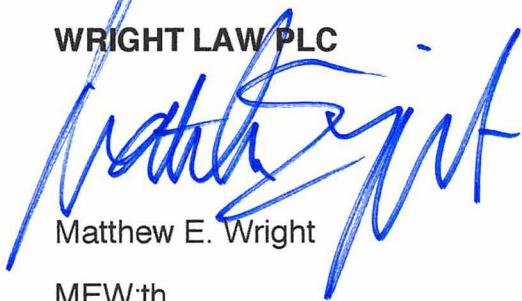
In order to assure that your obligation to preserve documents and things is met, please immediately forward a copy of this letter to all persons and entities with custodial responsibility for the items referred to in this letter.

In regard to the tractor and trailer involved in this collision, we would like to set up a mutually convenient time for our expert to inspect, examine, and conduct tests on the unit. We specifically request that you make no repairs or adjustments to the tractor or trailer until this inspection is completed. Please contact us to discuss the scheduling of an inspection.

In the meantime, if you have any questions, please feel free to call.

Sincerely,

WRIGHT LAW PLC

A handwritten signature in blue ink, appearing to read "Matthew E. Wright".

Matthew E. Wright

MEW:th



771560910794



Delivered
Friday 9/18/2020 at 10:16 am



DELIVERED

Signed for by: K.KIM

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FROM
FRANKLIN, TN US

TO
ALPHARETTA, GA US

Shipment Facts

TRACKING NUMBER 771560910794	SERVICE FedEx Standard Overnight	DELIVERED TO Receptionist/Front Desk
TOTAL PIECES 1	TERMS Shipper	SHIPPER REFERENCE Hamrick
PACKAGING FedEx Envelope	SPECIAL HANDLING SECTION Deliver Weekday	STANDARD TRANSIT 9/18/2020 by 3:00 pm
SHIP DATE Thu 9/17/2020	ACTUAL DELIVERY Fri 9/18/2020 10:16 am	

Travel History

Local Scan Time

Friday, 9/18/2020

10:16 am ALPHARETTA, GA Delivered

9:21 am ALPHARETTA, GA On FedEx vehicle for delivery
Case 3:20-cv-00417-TRM-DCP Document 90-4 Filed 11/12/21 Page 6 of 7 PageID #: 619

8:37 am	ALPHARETTA, GA	At local FedEx facility
6:42 am	ATLANTA, GA	At destination sort facility
4:46 am	MEMPHIS, TN	Departed FedEx location
12:27 am	MEMPHIS, TN	Arrived at FedEx location

Thursday , 9/17/2020

9:05 pm	BRENTWOOD, TN	Left FedEx origin facility
6:40 pm	BRENTWOOD, TN	Picked up
4:57 pm		Shipment information sent to FedEx